

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MICHAEL GRANT,)	
)	
Plaintiff,)	
)	
)	CIV-14-676-W
v.)	
)	
C. C. KEENER, CORRECTIONAL)	
CASE MANAGER,)	
)	
Defendant. ¹)	

REPORT AND RECOMMENDATION

On June 27, 2014, Plaintiff, a California state prisoner appearing *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B), and on July 1, 2014, the undersigned issued an Order directing Plaintiff to cure the deficiency in his filing by submitting an *in forma pauperis* application or paying the filing fee on or before July 21, 2014.

Plaintiff was advised in the Order that the Court would recommend dismissal of the

¹Plaintiff names only one Defendant in the body of the Complaint, Mr. C.C. Keener, who is described as a correctional case manager at the Northfork Correctional Facility, a private prison located in Oklahoma. At the time he filed his Complaint, Plaintiff was confined in a prison in the State of California.

action without prejudice if he failed to comply. The Court Clerk was directed to mail to Plaintiff the appropriate *in forma pauperis* application forms, and the docket sheet reflects that the forms were mailed to Plaintiff at his last known address in California on July 1, 2014.

To this date, Plaintiff has not complied with the Order or filed a motion seeking an extension of time to do so. Plaintiff's lack of interest in complying with the Court's Orders combined with the Court's attempt to manage and control its caseload warrant a dismissal of the cause of action without prejudice. Brandenburg v. Beaman, 632 F.2d 120, 122 (10th Cir. 1980)(*per curiam*).

RECOMMENDATION

Based on the foregoing findings, it is recommended that Plaintiff's cause of action be DISMISSED WITHOUT PREJUDICE for failure to comply with the Court's Orders. Plaintiff is advised of the right to file an objection to this Report and Recommendation with the Clerk of this Court by August 21st, 2014, in accordance with 28 U.S.C. § 636 and Fed. R. Civ. P. 72. The failure to timely object to this Report and Recommendation would waive appellate review of the recommended ruling. Moore v. United States, 950 F.2d 656 (10th Cir. 1991); cf. Marshall v. Chater, 75 F.3d 1421, 1426 (10th Cir. 1996)("Issues raised for the first time in objections to the magistrate judge's recommendation are deemed waived.").

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter, and any pending motion not specifically addressed

herein is denied.

ENTERED this 1st day of August, 2014.



GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE